Sessional Paper [illegible]
4 Session, 24 Legislature

Office of the Information and Privacy Commissioner

Alberta

Annual Report

The Purposes of the *Freedom of Information and Protection of Privacy Act*

The purposes of the *Freedom of Information and Protection of Privacy Act* according to section 2 of the Act are:

a) to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in the Act,

b) to control the manner in which a public body may collect personal information from individuals, to control the use that a public body may make of that information and to control the disclosure by a public body of that information,

c) to allow individuals, subject to limited and specific exceptions as set out in the Act, a right of access to personal information about themselves that is held by a public body,

d) to allow individuals a right to request corrections to personal information about themselves that is held by a public body, and

e) to provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act.

Copies of this report are available from:

Office of the Information and Privacy Commissioner
410, 9925 – 109 Street
Edmonton, Alberta
T5K 2J8

Tel: (780) 422-6860
Fax: (780) 422-5682
Website: www.oipc.ab.ca
E-mail: ipcab@planet.eon.net

101-01504/

Office of the Information
and Privacy Commissioner

#410, 9925 – 109 Street
Edmonton, Alberta
Canada T5K 2J8
Tel: (780) 422-6860
Fax: (780) 422-5682
Internet: ipcab@planet.eon.net

November 14, 2000

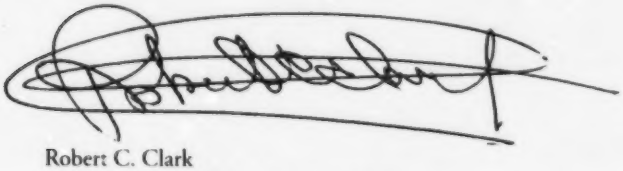
Honourable Ken Kowalski
Speaker of the Legislative Assembly
325 Legislature Building
10800 – 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Mr. Speaker:

I am pleased to submit to you the Annual Report of the Office of the Information and Privacy Commissioner, covering the period from April 1, 1999 to March 31, 2000.

This report is submitted under section 61(1) of the *Freedom of Information and Protection of Privacy Act*, Chapter F-18.5 of the 1994 Statutes of Alberta.

Yours truly,



Robert C. Clark
Information and Privacy Commissioner

Table of Contents

Commissioner's Message 2

Introduction 4
- Background 4
- Mandate 4
- IPC Timeline 5

Accomplishments 7
- Interpretation of Legislation 7
- Education and Public Relations 7

The Process: Request for Review and Inquiry 9

A Retrospective — Statistical Information 10

Summaries: Selected Inquiries, Orders, Judicial Reviews 20

Summaries: Selected Reviews, Complaints, Investigations, Audits 24

Summaries: Advice, Recommendations and Analysis of Issues 28

Financial Statement 29

Appendix 30

Commissioner's Message

"The greatest barrier to the growth of commerce on the Internet is not technological. The net will realize its potential for hypergrowth only when it resolves concerns over the privacy and the security of information transmitted through cyberspace. Privacy may be worth uncounted billions of dollars."

Charles J. Sykes, 1999

Privacy is an important issue for the 21st Century. Governments and businesses are realizing that great savings and profits can be reaped when security and privacy issues are addressed. We need only to look south of the border to see how important this issue is. Privacy may well be a key election platform in the United States presidential race with the debate centering on self-regulation versus legislation. Corporations in North America are hiring privacy officers to oversee new technological initiatives involving personal information. "Dot.com" companies are realizing that a privacy statement or privacy seal is required on their web sites if they want to be successful in the new economy. The above quotation by American researcher and author Charles J. Sykes, from his book *The End of Privacy: Personal Rights in the Surveillance Society*, succinctly outlines where the privacy issue is moving in this new century: earning citizen confidence in government and business initiatives. Sykes is correct when he notes technology is not a barrier to e-commerce or streamlining government services. It is the responsibility and duty of an organization to ensure that citizens' personal information is transmitted in a secure fashion with an emphasis placed on privacy. Only then will the benefits of new technology be realized.

The *Freedom of Information and Protection of Privacy Act*

This year marks the fifth anniversary of the *Freedom of Information and Protection of Privacy Act* in Alberta. All "public bodies" are now covered by the Act. Access and transparency must continue to be at the forefront for public bodies, particularly the practice of routine disclosure of information. My experience over the past five years has lead me to conclude that my Office's proactive approach to access has seen this issue to be less challenging today since public bodies began embracing the notion of routine disclosure. However, with the rise of privacy issues and the development of new technology allowing for unparalleled dissemination of information, I believe this will be the challenge for my office over the next five years as we meet the changing expectations of, and the handling of, individual personal information.

A survey of 604 Albertans commissioned by my Office earlier this year confirms that we must continue to be vigilant in the privacy arena. Seventy eight percent of respondents agreed with the importance of protecting individual privacy in the province, while support for Alberta's "FOIP Act" was strong at 63%. The question of who should be responsible for protecting privacy garnered the most interesting result. Albertans were almost equally split between saying that individuals had most responsibility (42%) and that government had most responsibility (41%). Business was in a very distant third place (4%). I am impressed that Albertans believe they should take responsibility for protecting their personal information, a concept my office has been advocating through public education over the past five years.

Public Awareness

Informing the public about their access and privacy rights continues to be a priority for my office. Public education, in particular, about citizens protecting their personal information has been a great challenge. We have increased the number of privacy awareness seminars in high schools across the province and continued our focus of addressing journalism students on information and privacy issues. This past year has also seen a marked increase in private sector organizations requesting speaking engagements on information and privacy issues. There is no doubt that the business community is preparing for the implementation of federal privacy legislation for the private sector in January 2001, and is arming itself with as much information as it can on the proper collection, use and disclosure of personal information. This is a worthy endeavour by the business community, and I welcome any input my office can offer.

Bill C-6 (formerly Bill C-54)

Bill C-6, *Personal Information Protection and Electronic Documents Act*, was passed this year and will eventually affect the federally regulated private sector. The law comes into force on January 1, 2001. This new privacy law will regulate businesses in Alberta that engage in transborder data flow. I believe it may be prudent for the Alberta Government to come up with a "made in Alberta" solution and consider its own legislation for the private sector. This approach will prevent the government from going "cap in hand" to Ottawa with respect to private sector legislation. As the federal government tries to move further and further into the jurisdictions of the provinces, I believe it is important that the Government of Alberta take a stand on this issue and be proactive by introducing its own legislation for Albertans.

Health Information Act

Alberta's *Health Information Act* is expected to be Proclaimed in the near future. My office has been preparing for the implementation of the HIA this past year. I have every confidence that Frank Work, the Assistant Commissioner for Health Information, will perform his new duties with the same professionalism and thoughtfulness that he has become known for on the FOIP side. Over the next year, my office will work closely with Alberta Health and Wellness, custodians handling personal health information, and the public, to ensure that implementation and compliance with the HIA is as smooth as possible.

Looking Ahead ...

An important aspect of my job is developing and understanding the worldwide perspective on access and privacy issues. Over the past year, I have participated in conferences and workshops with my information and privacy colleagues across Canada, international data commissioners, and through my membership in COGEL (Council on Governmental Ethics Laws). These initiatives allow my office to better understand what is happening internationally in the world of access and privacy and prepare for the realities of privacy issues emerging over the next five years of this new century.

Much of the work conducted by this office could not be accomplished without the dedication and professionalism of my staff. The success of this office can be directly attributed to a hard working team of individuals who face the daily challenges before them with passion, enthusiasm and innovation. To Assistant Commissioner Frank Work, our Portfolio Officers, legal and support staff, I say thank you.

Introduction

Background

The Alberta *Freedom of Information and Protection of Privacy Act* (the Act) received Royal Assent on June 1, 1994, although most of the Act did not come into force until October 1, 1995. Robert C. Clark was appointed as the province's first Information and Privacy Commissioner on June 1, 1995. Mr. Clark was re-appointed to this position on June 2, 1997, for a five-year term.

The Director and General Counsel for the Office of the Information and Privacy Commissioner (IPC) was hired on June 15, 1995, and IPC was staffed by September 1995. The decision was made early on to employ only a core group of resourceful and skilled people to respond to both policy initiatives and individual requests and complaints. Where specialized expertise was needed, it would be acquired by contract.

IPC presently shares office space and some staff functions with the Office of the Ethics Commissioner. This has resulted in cost savings to both offices. However, it is emphasized that IPC and Ethics functions are otherwise kept strictly separate, and confidentiality in Ethics matters is strictly and completely preserved.

In 2000, with the final phasing in of local public bodies under the Act (i.e., post-secondary institutions and municipalities), IPC hired another Portfolio Officer. With the implementation of the Health Information Act, the IPC is expecting to hire a Health Portfolio Officer, a Compliance Officer and a Health Intake Officer. The staffing strategy of IPC has been to hire individuals with adaptable skills and extensive experience in areas that are particularly relevant to access and privacy issues. In so doing, the organization has created a broad base of knowledge, which can be drawn upon in order to enforce the Act and assist Albertans with any concerns they have in this area.

Mandate

Under the Act, the Commissioner is responsible for performing a broad range of functions. Section 51 is not exhaustive, but sets out a number of these responsibilities:

- conduct investigations to ensure compliance with a provision of the Act or compliance with rules relating to the destruction of records set out in:
  - (a) any other enactment of Alberta, or
  - (b) a by-law or other legal instrument by which a local public body acts,
- make an order requiring that a duty imposed by the Act be performed, whether or not a review is requested,
- inform the public about the Act,
- receive comments from the public concerning the administration of the Act,
- comment on the implications for freedom of information and protection of personal privacy resulting from proposed legislative schemes or programs of public bodies,
- comment on the implications for protection of personal privacy resulting from using or disclosing personal information for record linkage,
- authorize the collection of personal information from sources, other than from the individual about whom the information relates,
- bring to the attention of the head of a public body any failure to meet the prescribed standards for fulfilling the duty to assist applicants, and
- give advice and recommendations of general application to the head of a public body on matters respecting the rights or obligations of a head under the Act.

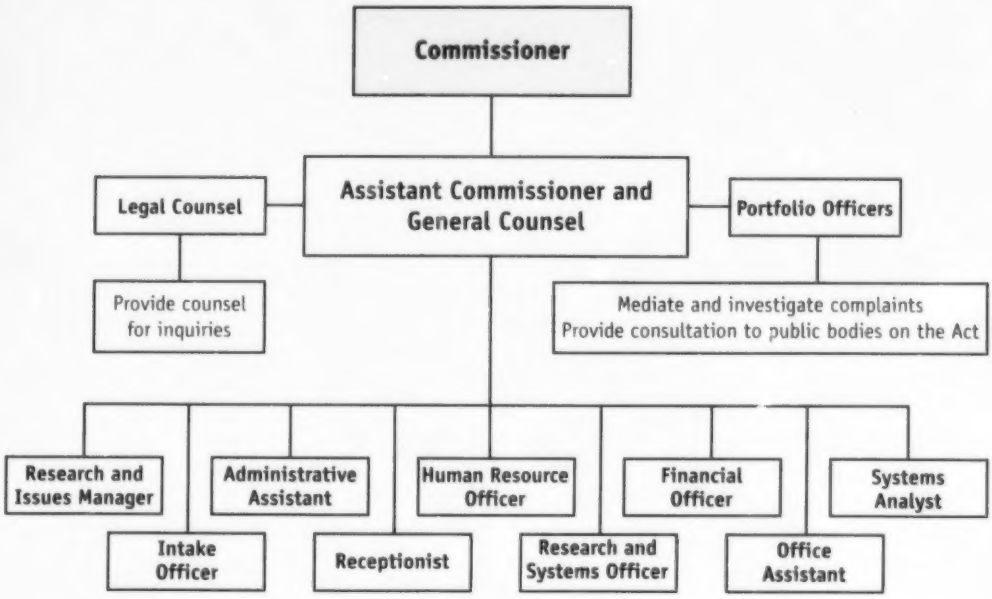
IPC Timeline

The objectives of the office for 1999 were:

- prepare for the final phase-in of local public bodies (municipalities and post-secondary academic institutions) coming under the Act.
- use privacy impact assessments (PIAs) to monitor and comment on the increasing number of information-related schemes and initiatives by government, particularly health-related initiatives.
- speak to Albertans about privacy issues and their implications for the individual, by increasing the number of school presentations throughout the province.
- provide effective and timely reviews of the decisions of public bodies and municipalities, respecting access requests and privacy complaints.
- participate extensively in the mandated three-year review of the Act.
- keep abreast of the continuing advances in information technology.
- expand IPC's communications strategy to include local public bodies by hiring a Research and Issues officer.

The objectives of the office for 2000 are to:

- prepare for the implementation of the Health Information Act by hiring a Health Portfolio Officer, a Compliance Officer and an Intake Officer.
- continue to use privacy impact assessments (PIAs) to monitor and comment on the increasing number of information-related schemes and initiatives by government, particularly health-related initiatives.
- speak to Albertans about privacy issues and their implications for the individual by increasing the number of school presentations throughout the province. The number of school presentations doubled last year, compared with 1997 – 1998. The goal this year is to maintain 1998 – 1999 levels.
- provide effective and timely reviews of the decisions of public bodies respecting access requests and privacy complaints. This is a priority since all public bodies are now covered under the Act.
- continue to keep abreast of advances in information technology and comment on privacy implications associated with these initiatives.


Commissioner
Assistant Commissioner and General Counsel
Legal Counsel
Provide counsel for inquiries
Portfolio Officers
Mediate and investigate complaints
Provide consultation to public bodies on the Act
Research and Issues Manager
Intake Officer
Administrative Assistant
Receptionist
Human Resource Officer
Research and Systems Officer
Financial Officer
Office Assistant
Systems Analyst

Accomplishments

Interpretation of Legislation

Under the Act, the Commissioner is an Officer of the Legislative Assembly and independent from government. As such, one of the Commissioner's key responsibilities is to provide for independent reviews of decisions made by public bodies and the resolution of complaints under the Act. The following are some of the significant orders issued that help interpret the Act:

- Determined the Commissioner has jurisdiction over information withheld from records of health care bodies. A significant Order as we await the proclamation of Alberta's Health Information Act.

  — Order 99-034

- Limited the ability of a public body to charge customary fees for information that should be accessible to the public through routine disclosure and active dissemination.

  — Order 99-015

- First inquiry conducted by a delegated inquiry officer found that the public body failed to fulfill its duty to respond to an applicant, despite the department's release of information to that applicant.

  — Order 99-035

- Determined that a school board disclosed an applicant's personal information in violation of the Act. Ruled disclosure did not relate to the public body's mandate and functions.

  — Order 99-032

- Decided that a Workers' Compensation Board's private investigator is not a "confidential source of law enforcement information."

  — Order 99-010

- Determined that the Chief Electoral Officer's records of contributions to a political party are outside of the Commissioner's jurisdiction.

  — Order 99-029

Education and Public Relations

Under Section 51 of the Act, one of the Commissioner's responsibilities is to inform the public about the Act, as well as receive comments from the public concerning the administration of the Act. This is an important function to help Albertans understand their access and privacy rights under the legislation.

Many organizations or groups are looking for basic explanations and descriptions of the Act and the function of the Office of the Information and Privacy Commissioner (IPC). Other times, groups have specific questions or concerns with regard to the effect the Act has, or will have, on information management relative to specific sectors. The IPC is open to helping Albertans interpret the Act and to understand issues surrounding access to or privacy of information.

The following are some of the educational initiatives undertaken by the IPC over the past year:

- Participated in the Alberta FOIP '99 Conference. Speakers included the Commissioner, Portfolio Officers and Office Counsel.
- Privacy Awareness Seminars conducted at 11 high schools across Alberta
- Presentation to Grant MacEwan Community College first year journalism class.
- Presentation to Lethbridge Community College journalism class.
- Presentation to University of Alberta law students.
- Presentation to LAWDAYS in Edmonton.
- Presentation to the Intellectual Property Lawyers Section meeting in Edmonton.
- Discussion and presentation with Senior Management Committee, City of Edmonton
- Information session with editorial committee, Edmonton Journal
- Editorial meeting, Lethbridge Herald
- University of Alberta's Faculty of Law and Health Law

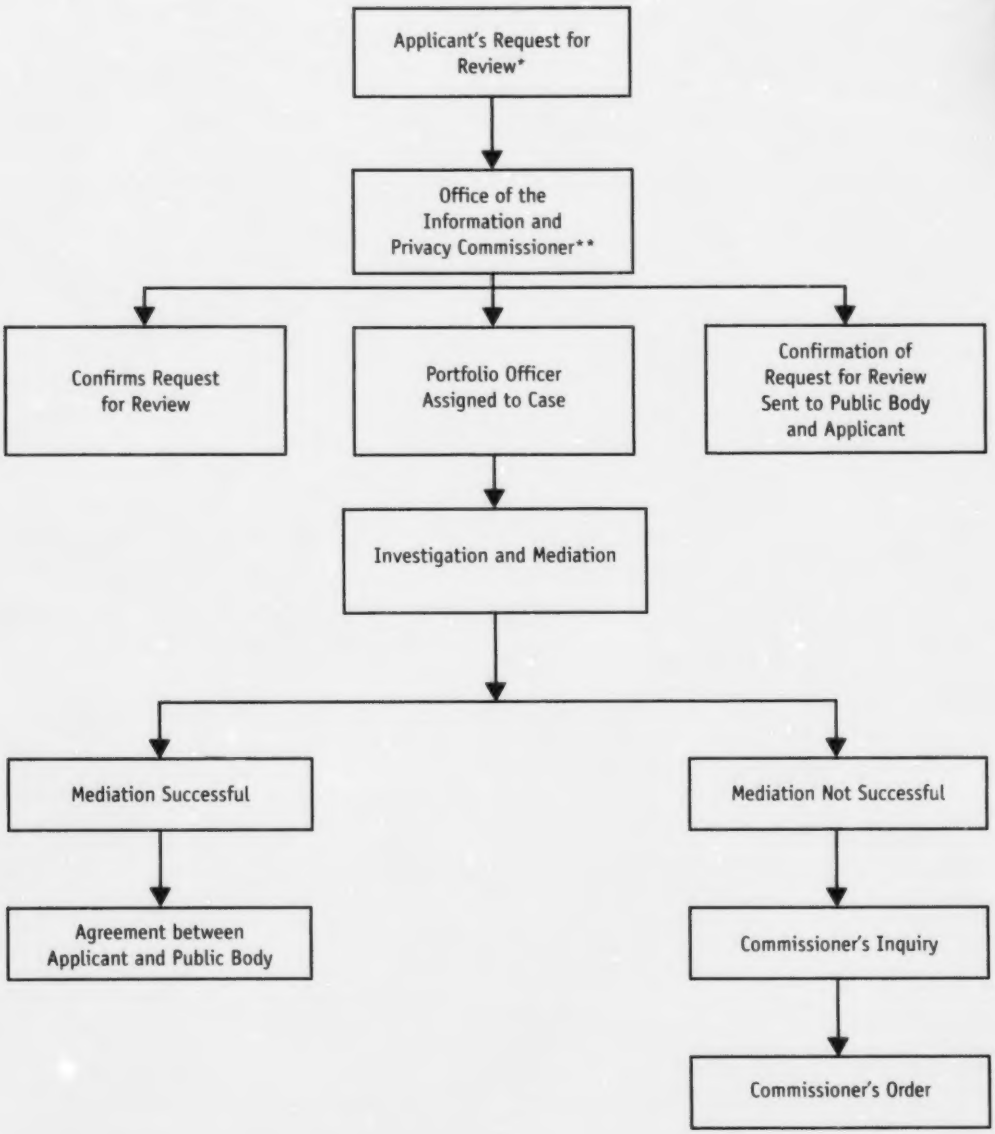
Some of the organizations the IPC addressed over the past year:

- Canadian Bar Association, Legal Research Subsection
- Consulting Engineers of Alberta
- Alberta Residence Life Professionals Association
- Council of Western Canadian University Presidents
- Regional FOIP Alliance, Sherwood Park
- Queen Elizabeth II Hospital, Grande Prairie
- Grande Prairie Regional College
- Keyano College, Fort McMurray
- Northern Lights Regional Health Authority, Fort McMurray
- Chinook Regional Health Authority, Pastoral Services, Lethbridge
- Red Deer College
- Red Deer Regional Hospital
- University of Calgary

Some of the conferences and conventions the IPC addressed over the past year:

- Legal Education Society of Alberta (LESA) Conference in both Edmonton and Calgary.
- Northeast Teachers Convention
- Calgary District Teachers Convention
- Palliser District Teachers Convention
- Information and Privacy Commissioners' Summit, Halifax
- 21st International Conference on Privacy and Personal Data Protection, Hong Kong
- Council on Governmental Ethics Laws (COGEL) Conference, Providence, Rhode Island
- New Wave of Privacy Protection in Canada Conference, Vancouver
- Calgary Youth Peer Support Conference

The Process: Request for Review and Inquiry


Applicant's Request for Review*
Office of the Information and Privacy Commissioner**
Confirms Request for Review
Portfolio Officer Assigned to Case
Confirmation of Request for Review Sent to Public Body and Applicant
Investigation and Mediation
Mediation Successful
Mediation Not Successful
Agreement between Applicant and Public Body
Commissioner's Inquiry
Commissioner's Order

* Applicant: a person who makes a request for information held by a public body or a person who is affected by a public body's release of that information.

** The Commissioner is not involved with the Request for Review until the Inquiry stage.

A Retrospective — Statistical Information

Cases Opened (Listed by Case Type) October 1, 1995 to March 31, 2000

Type of Case	Relevant section of Act	Cases opened 1995 – 96	Cases opened 1996 – 97	Cases opened 1997 – 98	Cases opened 1998 – 99	Cases opened 1999 – 2000
Requests for Review	s. 62	49	106	75	96	160
Complaints	s. 51(2)	15	42	31	41	51
Requests for Advice and Recommendation	s. 52	7	14	19	8	15
Requests for Fee Waiver	s. 87(4)	6	7	3	4	10
Requests to extend time	s. 13	2	7	9	3	9
Investigations	s. 51(1)(a)	1	3	3	3	
Privacy Impact Assessments	s.36	—	—	—	4	14
Other	—	1	2	1	11	10
Total	—	**81**	**181**	**138**	**170**	**272**

Illustrates the number of cases (listed by case type) opened with the Office of the Information and Privacy Commissioner from October 1, 1995 to March 31, 2000. 272 cases were opened with the Office of the Information and Privacy Commissioner between the period April 1, 1999 to March 31, 2000.

Cases Opened (Listed by Public Body)
April 1, 1999 to March 31, 2000

Public Body	Requests for Review	Complaints	Advice and Recommendations and Request for Information (RFI)	Privacy Impact Assessment	Other	Total
Advanced Education and Career Development	—	—	—	1	—	1
Agriculture Financial Services Corporation	—	—	1	—	—	1
Agriculture, Food and Rural Development	—	—	—	—	1	1
Alberta Cancer Board	—	1	—	—	—	1
Alberta Children's Services	4	1	—	—	1	6
Alberta Energy and Utilities Board	—	2	—	—	1	3
Alberta Environment	10	—	1	—	—	11
Alberta Government Services	1	—	—	—	2	3
Alberta Health and Wellness	5	—	—	—	—	5
Alberta Human Rights and Citizenship	3	—	—	—	—	3
Alberta Infrastructure	1	2	—	—	—	3
Alberta Learning	2	2	1	—	—	5
Alberta Mental Health Board	2	—	1	1	2	6
Alberta Pensions Administration	2	—	1	—	—	3
Alberta Securities Commission	1	1	—	—	—	2
Alberta Treasury Branches	1	—	—	—	—	1
Alberta Wellnet	—	—	—	4	—	4
Aspen View Regional School Division	1	—	—	—	—	1
Bethany Care Society	—	2	—	—	—	2
Buffalo Trail Regional Division #28	—	1	—	—	—	1
Calgary Board of Education	4	2	—	—	—	6
Calgary Police Commission	—	1	—	—	—	1
Calgary Police Service	4	—	—	—	1	5
Calgary Public Library	—	—	1	—	—	1
Calgary Regional Health Authority	15	—	1	2	5	23
Calgary Rockyview CFSA*	1	—	—	—	—	1
Capital Health Authority	2	3	—	2	—	7
Caritas Health Group	1	—	—	—	—	1
Chinook Health Region	1	1	—	—	1	3
City of Calgary	3	2	—	—	1	6
City of Edmonton	2	1	1	—	1	5

Public Body	Requests for Review	Complaints	Advice and Recommendations and Request for Information (RFI)	Privacy Impact Assessment	Other	Total
City of Fort Saskatchewan	—	—	1	—	—	1
City of Red Deer	1	—	—	—	—	1
City of St. Albert	—	1	—	—	—	1
Community Development	1	1	—	—	—	2
County of Smoky Lake	1	1	—	—	—	2
County of Sturgeon	—	1	—	—	—	1
Diamond Willow CFSA*	1	—	—	—	—	1
Economic Development	1	—	—	—	—	1
Edmonton Catholic Regional Division	1	—	—	—	—	1
Edmonton Police Commission	2	-	—	—	—	2
Edmonton Police Service	7	—	—	—	—	7
Edmonton School District	—	3	—	—	—	3
Education	—	1	—	—	—	1
Environmental Protection	1	1	—	—	2	4
Executive Council	4	—	—	—	—	4
Family and Social Services	—	1	—	—	—	1
Headwaters Health Authority	1	—	—	—	—	1
Health	—	—	—	3	—	3
High Prairie School Division #48	1	—	1	—	—	1
Human Resources and Employment	12	3	1	—	1	17
IMAGIS	—	—	—	1	—	1
Jubilee Lodge Nursing Home	1	—	—	—	—	1
Justice	9	2	—	—	—	11
Labour	1	—	—	—	1	2
Labour Relations Board	1	—	—	—	—	1
Lakeland Regional Health Authority	1	—	—	—	—	1
Law Enforcement Review Board	2	2	—	—	—	4
Legislative Assembly Office	—	1	—	—	—	1
Ma'mowe CFSA*	3	—	—	—	—	3
Medicine Hat Police Service	1	—	—	—	—	1
Michener Centre PDD Board	1	—	—	—	—	1
Municipal Affairs	1	—	3	—	—	4
Northern Alberta Development Council	1	—	—	—	—	1
Northern Gateway Regional School Division	—	—	—	—	1	1
Office of the Auditor General	—	1	—	—	—	1

Public Body	Requests for Review	Complaints	Advice and Recommendations and Request for Information (RFI)	Privacy Impact Assessment	Other	Total
Office of the Chief Electoral Officer	1	—	1	—	—	2
Office of the Chief Medical Examiner	1	—	—	—	—	1
Office of the Information and Privacy Commissioner	—	—	—	—	3	3
Office of the Ombudsman	—	—	1	—	—	1
Pembina Hills Regional School Division	2	2	—	—	—	4
Public Works Supply and Services	—	1	—	—	—	1
Safety Codes Council	1	—	—	—	—	1
St. Thomas Aquinas Catholic Schools	1	—	—	—	—	1
Statistics Canada**	—	—	—	—	1	1
Town of Canmore	1	—	—	—	1	2
Town of Ponoka	—	—	—	—	1	1
Transportation and Utilities	1	—	—	—	1	1
Treasury	9	—	—	—	2	11
University of Alberta	3	—	—	—	1	4
University of Calgary	2	—	—	—	—	2
Wheatland County	1	-	—	—	—	1
Windsong CFSA*	2	—	—	—	—	2
Workers' Compensation Board	13	6	—	—	2	21
Workers' Compensation Board of Appeal	1	—	—	—	—	1
Total	**160**	**51**	**15**	**14**	**32**	**272**

Illustrates the number of cases opened with the Office of the Information and Privacy Commissioner, based on the particular public body and case type during the period of April 1, 1999 to March 31, 2000.

Note:

* CFSA — Child and Family Services Authority

** Federal Government Department — Although the Commissioner does not maintain jurisdiction over Federal Government Departments, the Commissioner did comment on certain activities.

Orders Issued

Public Body	Decisions upheld	Decisions partially upheld	Decisions overturned	Total Orders
Alberta Agriculture, Food and Rural Development	1	—	—	1
Alberta Energy and Utilities Board	1	—	—	1
Alberta Gaming and Liquor Commission	1	—	—	1
Alberta Securities Commission	1	—	—	1
Alberta Treasury Branches	2	—	—	2
Calgary Board of Education	—	—	2	2
Calgary Regional Health Authority	1	—	—	1
Chief Electoral Office	1	—	—	1
Economic Development	—	—	1	1
Education	1	—	—	1
Environment	—	1	—	1
Environmental Protection	3	1	—	4
Executive Council	—	—	1	1
Health	1	—	—	1
Human Resources and Employment	1	—	—	1
Justice	3	—	—	3
Labour	—	1	—	1
Labour Relations Board	1	—	—	1
Legislative Assembly Office	—	1	—	1
Treasury	3	1	2	6
Workers' Compensation Board	1	1	—	2
Total	**22**	**6**	**6**	**34**

Illustrates the total number of Commissioner's Orders (listed by Public Body) issued during the period April 1, 1999 to March 31, 2000.

Results of Requests for section 13 time extensions

(for requests received April 1, 1999 to March 31, 2000)

Approved:	9
Rejected:	0
Total	**9**

Illustrates the number of times the application of Section 13 of the Act was approved or rejected by the Commissioner.

Results of Requests for Fee Waiver, made under section 87(4)

(for requests closed April 1, 1999 to March 31, 2000)

Order issued, rejecting fee waiver:	3
Order issued, approving fee waiver:	2
Fee not waived during mediation:	2
Public body waived fee after mediation:	5
Total	**12**

Illustrates the Results of Requests for Fee Waiver made under Section 87(4) of the Act.

Requests for Review: Cases Closed

Year	Concluded through Portfolio Officer	Concluded through Inquiry and Order	Total
1995 – 96	7	1	**8**
1996 – 97	79	16	**95**
1997 – 98	124 (125)	22 (21)	**146**
1998 – 99	57	23	**80**
1999 – 00	89	27	**116**

Illustrates the number of Request for Review cases closed during the period April 1, 1999 to March 31, 2000. The table displays a comparison of the total number of cases closed for the four previous fiscal years and the fiscal year of this report. The table supports the fact that the majority of Request for Review cases are concluded through the mediation and investigation expertise of the Portfolio Officers and not through a formal inquiry proceeding.

Note:
These statistics also include those cases opened before April 1, 1999, but concluded before March 31, 2000.

Cases closed between April 1, 1999 and March 31, 2000

Closing method:	Requests for Review	Complaints	Requests for Advice/ Direction	Request to waive fees	Request for time extension	Privacy Impact Assessment	Other	Total
Orders Issued	27	2	—	5	—	—	—	34
Investigation Report	1	4	—	—	—	—	—	5
Answer provided	—	—	17	—	9	—	—	26
Information released after mediation	11	—	—	—	—	—	—	11
Other settlement reached after mediation	70	37	—	7	—	—	7	121
Accepted	—	—	—	—	—	12	—	12
Case rejected: No jurisdiction	7	—	1	—	—	—	7	15
Total	**116**	**43**	**18**	**12**	**9**	**12**	**14**	**224**

Illustrates the number of cases that were closed in the period April 1, 1999 to March 31, 2000. The statistics are listed by closing method and provides an analysis of how different case types issues are concluded. The Closing Method described as "Orders Issued" refers to Orders publicly released between April 1, 1999 and March 31, 2000, but whose associated case file was opened prior to April 1, 1999.

Note:
This table includes cases that were opened prior to April 1, 1999, but closed between April 1, 1999 and March 31, 2000.

Of the cases closed within the period April 1, 1999 to March 31, 2000, 84.8% of cases are closed outside of a formal inquiry proceeding.

"Orders Issued" relates to Orders issued in the period April 1, 1999 to March 31, 2000. However, the corresponding inquiries may have been held prior to April 1, 1999.

Orders Issued (Comparison with previous years distribution)

Public Body	1996 - 97	1997 - 98	1998 - 99	1999 - 00
Alberta Agriculture, Food and Rural Development	—	—	—	1
Alberta Energy and Utilities Board	—	—	—	1
Alberta Gaming and Liquor Commission	—	—	—	1
Alberta Health Facilities Review Committee	—	1	—	—
Alberta Human Rights and Citizenship	—	—	1	—
Alberta Securities Commission	—	—	—	1
Alberta Treasury Branches	2	1	1	2
Calgary Board of Education	—	—	—	2
Calgary Regional Health Authority	—	—	—	1
Chief Electoral Officer	—	—	—	1
Community Development	—	1	—	—
Credit Union Deposit Guarantee Corporation	2	—	—	—
Economic Development	—	—	—	1
Education	—	—	—	1
Energy	—	—	1	—
Environment	—	—	—	1
Environmental Protection	3	4	5	4
Executive Council	—	—	—	1
Family and Social Services	—	2	5	—
Federal & Intergovernmental Affairs	1	—	—	—
Health	1	1	—	1
Human Resources and Employment	—	—	—	1
Justice	5	4	2	3
Labour	—	1	—	1
Labour Relations Board	—	—	—	1
Legislative Assembly Office	—	2	—	1
Municipal Affairs	2	1	1	—
Office of the Premier/General Administration	—	—	1	—
Public Works, Supply, and Services	—	1	—	—
Tire Recycling Management Board	2	—	—	—
Transportation and Utilities	—	1	—	—
Treasury	1	1	3	6
Workers' Compensation Board	—	1	2	2
Total	**19**	**22 (21)**	**22**	**34**

Illustrates a comparison between the number of Orders issued by the Commissioner in previous fiscal periods and those issued by the Commissioner in the fiscal period April 1, 1999 to March 31, 2000.

Results of Portfolio Officers' Investigations/ Investigation Reports of Complaint

Cases closed April 1, 1999 to March 31, 2000

Basis for complaint	Number of complaints substantiated	Number of complaints NOT substantiated	Total
Breach of Privacy	10	12	22
Failure to fulfill duties under the Act (sec.9)	4	6	10
Other	—	11	11
Total:	**14**	**29**	**43**

Time taken by Office of the Information and Privacy Commissioner to process cases

(for cases closed between April 1, 1999 and March 31, 2000)

Type of Case	1 day	2 – 10 days	11 – 30 days	31 –90 days	3 – 6 months	Over 6 months	Total
Requests for Review	—	2	6	29	53	38	128
Complaints	1	2	3	13	13	8	40
Requests for Advice	—	—	1	2	1	—	4
Investigation Generated by Commissioner	1	—	—	—	1	1	3
Requests to Extend Time	6	3	—	—	—	—	9
Request for Information (RFI)	1	1	1	5	3	—	11
Request to Excuse Fees	—	—	—	2	5	1	8
Comment on Schemes and Programs	—	1	—	—	—	—	1
Privacy Impact Assessments	—	—	1	6	1	3	11
Non-Jurisdictional	6	1	—	—	—	—	7
Other	—	2	—	—	—	—	2
Total	**15**	**12**	**12**	**57**	**77**	**51**	**224**

Duty to Warn, and Public Interest Override (Section 31)

Section 31 places a duty on public bodies to warn the public of the risk of certain harms. When performing that duty, the head of the public body is empowered to disclose personal information about third parties. This "public interest override" also extends to situations where disclosure is clearly in the public interest. The duty to warn rests on the head whether or not there is a request for the information. Where practicable, the head gives notice to the third party that the disclosure will be made. Otherwise, the head notifies the third party that the disclosure was made. The head notifies the Commissioner of every instance where third-party information is disclosed under Section 31.

In other cases, the personal information of an individual is purposely compiled for disclosure because the presence of that individual is held to be a risk of harm to public safety. The Minister of Justice has delegated the function of giving public warnings to the chiefs of police in Alberta. The chiefs exercise that responsibility with the assistance of a detailed protocol. In 1998 – 99, law enforcement agencies notified the Commissioner of 17 cases where public warnings were given. In 1999 – 2000, 17 police warnings were issued. By agency and type of public warned, the 17 police warnings issued for 1999 – 2000 were as follows:

	Disclosure to Victims and Relatives	Full Public Disclosure Through Media	Total
Calgary Police Service	1	2	3
Edmonton Police Service	3	7	10
RCMP	0	0	0
Other	2	2	4
Totals	**6**	**11**	**17**

Summaries: Selected Inquiries, Orders, Judicial Reviews (Released Between April 1, 1999 and March 31, 2000)

Health Care Bodies (Order 99-034)

The Applicants applied under the *Freedom of Information and Protection of Privacy Act* (the "FOIP Act") for information and documents that contained the names of the Applicants, related to the Applicants or contained the personal information of the Applicants, in the custody or control of Alberta Health and Wellness, the Alberta Cancer Board, the Capital Health Authority and the Calgary Regional Health Authority. With the exception of Alberta Health and Wellness, these Public Bodies became subject to the FOIP Act on October 1, 1998. Alberta Health and Wellness became subject to the FOIP Act on October 1, 1995.

The Calgary Regional Health Authority disclosed all its records. The other Public Bodies withheld some of their records or some of the information contained in their records, claiming certain exceptions under the FOIP Act.

There were two issues at the centre of the inquiry: does the Information and Privacy Commissioner have jurisdiction over the records and over the parties who are in custody and/or control of the records.

The Commissioner ruled that he did not have jurisdiction over access to information contained in the records withheld by Alberta Health and Wellness. He found that access provisions of the FOIP Act conflicted with section 13(1) of the *Alberta Health Care Insurance Act* (AHCI Act). Section 13(1) is a confidentiality provision requiring Alberta Health and Wellness to maintain secrecy over all matters that come to a person's knowledge in the course of employment; therefore, the AHCI Act is paramount over the FOIP Act.

The Commissioner ruled that he had jurisdiction over the information contained in the records withheld by the Alberta Cancer Board and the Capital Health Authority. Since the Calgary Regional Health Authority had disclosed all its records to the Applicants, it did not have any records at issue in the inquiry.

Routine Disclosure and Active Dissemination (Order 99-015)

Alberta Environment, formerly known as Alberta Environmental Protection, received the Applicant's continuing access request under the FOIP Act. The Applicant asked for:

Sunpine Forest Products Annual Operating Plans including the general development plan, the preliminary and final harvest plans, the silviculture plans, the forest protection plan, the road plans and all amendments.

The Applicant also requested a fee waiver. Alberta Environment provided the Applicant with a fee estimate of $5,833.48 covering the two-year span of the continuing request. Of the total fee estimate, $5,127.50 related to the reproduction of large, detailed, hand-coloured maps. Alberta Environment said that those coloured maps cost approximately $145 each to reproduce and informed the Applicant that a black and white copy could be reproduced for approximately $2.00 to $5.00.

Alberta Environment asked the Applicant to provide the rationale for a fee waiver. The Applicant outlined the reasons for the fee waiver under section 87(4)(b) of the Act (the record related to a matter of public interest). Alberta Environment would not grant the fee waiver.

The Commissioner had two issues before him: Do the records relate to a matter of public interest, and if the records relate to a matter of public interest, should Alberta Environment's fee estimate be reduced.

The Commissioner found that the Applicant served both a public education function and an environmental watchdog function. As a result, the Commissioner found that the annual operating plan related to a matter of public interest and ordered Alberta Environment to waive the entire fee.

The Commissioner noted that he would have been less inclined to waive the entire fee if Alberta Environment had made the annual operating plan publicly available.

Proper Responses to an Access Request (Order 99-035)

Several years ago, the Applicant's daughter, a young adult who resided with the Applicant and his spouse, was killed in a train/automobile collision in Alberta. She was a passenger in the automobile. The driver of that car also was killed. From that collision there resulted a number of official reports, most notably the usual compendium of reports from members of the local police service who attended the scene of this tragedy. The officers' reports included witness statements, observations at the scene, accounts of reactions from next-of-kin, intersection measurements and traffic movement calculations, and speculation about possible causes of the collision.

The Applicant made an access request under the FOIP Act to Alberta Justice. The Applicant asked for: "... a copy of the investigation into my daughter's accident ..."

His request cited file numbers from records held by the police department, the railway company, and a federal investigative body, as well as his daughter's name and the date of the accident.

The Chief Medical Examiner's Office replied on behalf of Justice and provided a 54-page report (called a partial release) to the Applicant. The Applicant initiated another access request asking for a full and complete copy of the report.

The Applicant received another copy of the police report, now at 61 pages, with one page from the Medical Examiner's report "missing." The Applicant later personally delivered an access request to Alberta Infrastructure asking "for all information into accident."

The Inquiry Officer, acting under delegated authority of the Information and Privacy Commissioner, conducted an inquiry into the two closely related requests for review. The Inquiry Officer found that by modeling its later response to the same Applicant on Justice's invalid response, Alberta Infrastructure failed to respond to the Applicant's separate but similar request. Alberta Infrastructure was ordered to respond under Part 1 of the Act, without regard or reference to any prior disclosures.

Disclosure does not relate to public body's mandate (Order 99-032)

An Applicant complained that the Calgary Board of Education (CBE) disclosed the Applicant's personal information in violation of Part 2 of the FOIP Act. The Applicant's complaint arose out of the CBE's alleged disclosure to the *Calgary Herald* of letters the Applicant had written to a number of the trustees of the CBE. The letters allegedly contained the Applicant's personal information, consisting of the Applicant's name and home address, home and business telephone numbers, family status, and the Applicant's opinions or views about the CBE's policy on safety and security for homosexual youth and staff.

In response to the Applicant's complaint, the Commissioner assigned a portfolio officer to investigate this matter. The portfolio officer released a report to the CBE and the Applicant outlining the findings and recommendations of the investigation.

While the CBE was deciding how to implement the recommendations contained in the investigation report, one of the trustees of the CBE alleged that the Commissioner had no jurisdiction in the matter of the Applicant's complaint because the disclosure occurred before the FOIP Act came into force on September 1, 1998.

The Applicant requested a public inquiry into the matter, which the Commissioner obliged. The Commissioner decided that the CBE disclosed the Applicant's personal information to the *Calgary Herald* after September 1, 1998. Having made that finding, the Commissioner ruled that he had the jurisdiction to consider whether the CBE disclosed the Applicant's personal information in violation of Part 2 of the Act.

After the Minister of Learning dissolved the Calgary Board of Education, the trustee who had participated in the first part of the inquiry, declined to participate in the second part of the inquiry held on October 7, 1999.

Section 4(1)(i) excludes a record of an elected official of a local public body from the FOIP Act. The CBE claimed that the records at issue fell within that category.

The Commissioner found that the records were not those of an elected official of a local public body. He further found that the records were in the custody or under the control of the local public body. Therefore, the records were subject to the Act.

The Commissioner found that the CBE disclosed the Applicant's personal information in violation of Part 2 of the Act and ordered the CBE to comply with its duty not to disclose the Applicant's personal information in violation of Part 2 of the Act in the future. The Commissioner also urged the CBE to apologize to the Applicant.

Law Enforcement Information (Order 99-010)

The Applicant requested records resulting from surveillance conducted on the Applicant by a private investigator on behalf of the Workers' Compensation Board (WCB).

The WCB disclosed the surveillance video and the surveillance reports to the Applicant, but withheld the private investigator's and another individual's identity under section 19(1)(d) (confidential source of law enforcement information) of the Act. The Applicant wanted to know these identities.

The Commissioner found that since both the private investigator and the other individual were collecting information on behalf of the Public Body from a variety of sources as part of their job duties, they were not "sources." The Commissioner also did not find that they were "confidential" since it was a known part of their responsibilities. Therefore, their identities had to be disclosed.

In addition, the Commissioner stated that section 26(1)(a) (informer's privilege) did not apply to another individual who was the WCB's employee. The rationale behind the police informer privilege did not apply to the facts in this case.

The Commissioner also held that section 19(1)(c) (harm to investigative techniques) does not apply to standard searches using public registries. The Commissioner made this decision on the basis that these searches are standard methods commonly used and known, so the disclosure of this technique would not be harmful to their continued effectiveness.

Political Contributions (Order 99-029)

The Commissioner found that the Chief Electoral Officer had properly refused access to records of individual contributions to Alberta's Progressive Conservative Party for the years 1992 to the present. The Applicant specifically wanted the electronic version of the records and not the paper version.

The paper version is available for viewing or purchase by the public at the Chief Electoral Officer's office. However, the electronic version is not provided to the public.

Section 4(1)(c) of the Act provides that if a record is created by, or is in the custody or under the control of the Chief Electoral Officer, and relates to the Chief Electoral Officer's function, the Act does not apply. The Commissioner found that all these three criteria had been met. Consequently, the Commissioner found that section 4(1)(c) applied to the paper as well as to the electronic version of the records since the same information appears in both.

This means that the paper version is made public according to the *Election Finances and Contributions Disclosure Act*. This Act does not require the electronic version to be made public and the Commissioner does not have the power to order disclosure.

The Commissioner stated that he was sympathetic to the Applicant's arguments that even though the written version of the records was available to the public, the electronic version would be more useful and relevant. However, given that the records are outside of the Act's jurisdiction, he could not comment on whether the Chief Electoral Officer should provide to the public the records in a certain format.

Summaries: Selected Reviews, Complaints, Investigations, Audits

Investigation demonstrates how the FOIP Act allows individuals to question whether a public body's collection, disclosure or use of personal information is appropriate.

The report concluded an investigation into a privacy complaint under section 51(2)(e) of the FOIP Act. Complainant alleged that the Workers' Compensation Appeals Commission:

1. Breached the Complainant's privacy by disclosing personal information to third parties;
2. Collected personal information in violation of the FOIP Act; and
3. Breached the FOIP Act when it used information from third parties to render a decision on the Complainant's appeal.

The investigation found that the Appeals Commission did not disclose the Complainant's personal information to alleged third parties. The investigation also found that the Appeals Commission was authorized to collect the personal information at issue in accordance with section 32(c) of the FOIP Act.

On the Complainant's third concern, the investigation concluded that the Appeals Commission's use of personal information is consistent with the purpose for which the information was collected, which is consistent with section 37(a) and section 39 of the FOIP Act.

Report concludes an investigation into the collection of personal information about new mothers by Vital Statistics.

This matter came to the Commissioner's attention initially from an article published by the *National Post* on January 5, 1999. The *National Post* had questioned Vital Statistics' practice of collecting certain information from the "Notice of Live Birth or Stillbirth and Newborn Record" form that physicians complete subsequent to a birth. Based on the information presented in the article, the Commissioner decided to conduct an investigation into this matter. Subsequently, a Member of the Legislative Assembly also requested that the Commissioner investigate this matter.

The investigation found that Vital Statistics collects the notice of birth for three purposes: first, to validate information pertaining to the registration of a birth/stillbirth; second, to confirm that a birth/stillbirth event has occurred in the Province of Alberta; third, to collect information on behalf of Alberta Health.

The investigation concluded:

- Section 2 and section 8(8) of the *Vital Statistics Act* authorizes Vital Statistics to collect the notice of birth. This complies with section 32(a) of the FOIP Act (collection authorized by or under an Act of Alberta or Canada).
- Section 32(c) of the FOIP Act allows Vital Statistics to collect information that is necessary for the registration process from the notice of birth. However, Vital Statistics' collection of information on behalf of Alberta Health that is not necessary for the registration process is not in accordance with section 32(c) of the FOIP Act.
- Section 40(2) of the *Hospitals Act* authorizes Alberta Health to collect the notice of birth and to collect information from sources other than the individual the information is about. Section 40(2) of the *Hospitals Act* also allows the Minister of Alberta Health to designate the Director of Vital Statistics to collect information on behalf of Alberta Health.

Alberta Health has confirmed that the Director of Vital Statistics has been formally designated to collect information on behalf of Alberta Health. Vital Statistics and Alberta Health indicated this is an interim solution to ensure ongoing program and data continuity. Vital Statistics and Alberta Health will be working together to find a solution that will eliminate the need for Vital Statistics to receive information beyond that which is necessary and authorized for the registration of a birth/stillbirth.

Report concludes an investigation into a complaint that Alberta Human Resources and Employment (formerly known as Alberta Family and Social Services) breached the FOIP Act.

In 1996, the Public Body determined the Complainant owed the Public Body $6,022.00 in overpayments. The Complainant believed the overpayments were calculated incorrectly, and attempted to obtain access to information on how the overpayments were calculated, but was unsuccessful.

The Complainant also alleged that the Public Body breached the Complainant's privacy by disclosing information about the Complainant (i.e. bank statements, credit bills and income tax return) to a third party.

The investigation concluded that the information the Complainant was seeking did not exist. The Portfolio Officer found that the form informing individuals of debts owing to the Public Body is not an easy document to read or understand, and did not explain how the overpayments were calculated. The Public Body could not easily explain how the debt charged to the Complainant was calculated.

During the investigation, the Portfolio Officer and representatives of the Public Body attempted to reconstruct how the overpayments were calculated. The reconstruction took three months and did not account for all of the data elements. The Portfolio Officer concluded that the information used by the Public Body was incomplete.

The Portfolio Officer also concluded that the Public Body most likely disclosed the Complainant's personal information to a third party in violation of Part 2 of the FOIP Act. The Public Body could not provide any first hand evidence as to whether the disclosure did or did not occur. However, the third party corroborated the Complainant's allegations.

The Portfolio Officer recommended that the Public Body redesign its form so that individuals can better understand the basis of the debt being charged to them. In addition, the Portfolio Officer recommended that the Public Body retain documentation used to calculate overpayments so that a person can easily and quickly understand the basis of the overpayments. Finally, the Portfolio Officer recommended that the Public Body remind its employees of their responsibilities under the FOIP Act to protect individuals' privacy. The Public Body accepted the recommendations of the investigation.

The investigation brought closure to an issue that has been outstanding for the Complainant for a number of years. In addition, the investigation provided the Public Body with an opportunity to review its practices and procedures.

Investigation into a complaint that the County of Smoky Lake may have disposed of records prior to the implementation of the FOIP Act in an attempt to evade future access requests.

On August 30, 1999, the Complainant hand-delivered a box of records to the Office of the Information and Privacy Commissioner. The Complainant claimed that these records were found in the town's recycling bin, and requested an investigation into this matter. The records contained personal information of County employees, councillors, property owners, and names of individuals.

The FOIP Act did not apply to municipalities until October 1, 1999. However, section 86(1)(e) and (2) came into force on June 1, 1994. Section 86(1)(e) states a person must not willfully destroy any records subject to the FOIP Act with the intent to evade a request for access to the records. Under section 86(2), a person who commits such an offence would be liable to a fine of not more than $10,000.

The investigation found that section 86(1)(e) and (2) of the FOIP Act did not apply to the disposal of records. The records disposed of were copies. Master copies of these records are retained at the County Office, and may be requested through a formal access application under the FOIP Act.

The County of Smoky Lake acknowledged it erred in placing the records containing personal information in the recycle bin. As the disposal was prior to the October 1, 1999 implementation date, it could not be a breach of the FOIP Act. However, the investigation found this form of disposal is not appropriate. By placing these records in the recycle bin, the County of Smoky Lake exposed its employees and members of the public to the risk that their personal information

may be improperly disclosed. Since the incident, the County of Smoky Lake has undertaken measures to ensure that this does not happen again.

Report concluded an investigation to determine whether the St. Thomas Aquinas Catholic Schools destroyed records in an attempt to evade access requests.

Section 86(1)(e) of the *Freedom of Information and Protection of Privacy Act* (the "FOIP Act") states a person must not willfully destroy any records with the intent to evade a request for access to the records. Under section 86(2), a person who commits such an offence would be liable to a fine of not more than $10,000.

On January 11, 2000, this Office was informed that some records relating to an access request were destroyed. The records at issue were elementary grade unit tests that had been written and marked.

The investigation concluded that the destruction of the unit tests was not willful, and it was not with the intent to evade a request for access. The investigation found that there was some uncertainty as to whether the access request constituted a formal access application under the FOIP Act. In addition, there was no board or school policy regarding the retention and disposal of completed tests. The decision to dispose of tests was left with the individual teacher. The tests were available during parent-teacher interviews, and were destroyed subsequently, in accordance with the teacher's usual practice.

The investigation recommended that the Public Body develop procedures on how access applications under the FOIP Act would be processed and that applications for access should be forwarded immediately to the Public Body's FOIP Coordinator. In addition, the investigation recommended the Public Body develop a policy regarding the retention, disposal and release of completed tests.

Statistics Canada — Survey on Financial Security

On May 5, 1999, the Commissioner issued a news release on Statistics Canada's Survey of Financial Security.

Approximately 2500 households in Alberta had been randomly selected by Statistics Canada to participate in the survey that measured the income, assets and debts of Canadian families. Participants were asked to provide specific information concerning their family, whether they have long-term disabilities, and information concerning their current employment situation. Participants were also asked to detail their pension plans and contributions, income sources, assets, debts, student loans and business equity and liabilities. The survey asked participants for their permission to access their income tax files and Canada or Quebec Pension Plan files.

The Commissioner was concerned with the amount of personal information being asked by the survey, and questioned the relevance of some of the information asked by the survey. The Commissioner felt it was important that Albertans be advised that participation on the survey was voluntary.

In addition, the Commissioner was concerned with the misinformation contained in the training package provided by Statistics Canada to their interviewers that indicated "Federal and provincial Privacy Commissioners have been fully briefed and are aware of this survey." "This is not true," said the Commissioner. "Our office was not consulted in the development or implementation of the survey. The Privacy Commissioner of another provincial jurisdiction brought this survey to our attention, and we did not receive any material from Statistics Canada until we specifically requested the information."

"Personally, I would not participate in this survey if approached," said the Commissioner. "The amount and level of personal information being asked is unreasonable and Statistics Canada must be made aware of this." The Commissioner wrote to the head of Statistics Canada expressing his concerns with the survey.

Statistics Canada — Community Health Survey 2000

On March 2, 2000, the Commissioner met with representatives of Statistics Canada regarding the proposed Community Health Survey 2000 that will be conducted in September 2000.

The Commissioner conveyed his views to Statistics Canada that participants should be clearly informed that participation is voluntary and that participants be informed that they do not have to disclose their personal health information number. However, if participants agree to disclose their personal health information number, they should be fully aware of what this means, namely, data sharing/linkage activity.

Alberta Registries

In 1998, the Commissioner's office conducted a joint audit of the Motor Vehicles Registry with the Office of the Auditor General. The 1998 audit report outlined 21 recommendations. Alberta Registries accepted 16 of the recommendations, and accepted the remaining five recommendations "in principle." Given the significant legislative, policy and financial implications of these five recommendations, Alberta Registries deferred implementation until it had consulted with Motor Vehicles Registry stakeholders regarding the implications of the recommendations.

To date, Alberta Registries have implemented the 16 recommendations. Of the five remaining recommendations, Alberta Registries requires legislative changes. The Commissioner's office will continue to monitor Alberta Registries' progress towards compliance on the audit recommendations.

Summaries: Advice, Recommendations and Analysis of Issues

Health Information Act

Alberta's Health Information Act received Royal Assent on December 9, 1999 and is expected to be proclaimed in the near future. Section 51(1)(f) of the FOIP Act allows the Commissioner to comment on the implications for protection of privacy of proposed legislative schemes of public bodies.

Bill 40, the Health Information Act, deals with personal health information and how it can be collected, used and disclosed and under what conditions. Bill 40 is about the future of the health care system. Bill 40 is also about technology and the application of technology to our health care system. However, Albertans must be clear that Bill 40 will allow for greater access to personal health information by certain entities and under certain conditions.

In November 1999, the Commissioner issued his response to Bill 40: The Health Information Act. In his response, the Commissioner outlined four major concerns he wanted addressed prior to the passing of the bill. First, he wanted Albertans to have the option of "opting out" of any future accessible electronic network or electronic database that would contain any personal health information. This issue was addressed and met by requiring "consent" to transmit by electronic means. Secondly, the Commissioner expressed concern that the legislation does not extend to the private sector. He hoped that a statutory three-year review of the legislation would contain specific reference to consider including the private sector. This was met in section 109(1) of the Health Information Act.

The Commissioner's third and fourth recommendations, that the government consider public scrutiny of the regulations and that a series of public consultations be held to explain to Albertans the implications of allowing personal health information to be legislated in this manner be addressed, were not met. The Commissioner hopes to ensure openness and transparency that these recommendations will be met prior to proclamation.

Privacy Awareness Survey

In June 2000, the Office of the Information and Privacy Commissioner (IPC) commissioned a survey of 604 Albertans to establish a baseline of privacy awareness within the province. The full text of the executive summary is available on the IPC website at: www.oipc.ab.ca. The highlights of the survey are as follows:

- Overall, 39% said they were aware of government laws designed to protect personal information. The question did not specify jurisdictions, so the answer could have been based upon Alberta laws, federal laws, both or other. The law with the greatest awareness was Alberta's "FOIP" law (Freedom of Information and Protection of Privacy Act) (26% of total). Based only on persons who had heard of it, support for the FOIP Act was strong with 63% in strong support and very few negative towards it. Bill 40, Alberta's Health Information Act, was mentioned by only a very small proportion (8% of total).
- One-third of Albertans (33% of the survey respondents) said they had heard of the Alberta Information and Privacy Commissioner.
- Concerning who was most responsible for protecting privacy, Albertans were almost equally split between saying that individuals had most responsibility (42%) and that Government had most responsibility (41%). Business was in a very distant third place (4%), and a small minority thought all three had equal responsibility (13%).

Financial Statement

Item	1998 - 1999	1999 - 2000 (Estimated Expenditure)
Salaries, Wages and Employee Benefits	$992,462	$1,278,520
Supplies and Services	$323,728	$498,500
Total Expenditure	**$1,316,190**	**$1,777,020**

**Please note that full financial statements for the Office of the Information and Privacy Commissioner are published yearly, separate from the Annual Report.

Appendix

Definitions

The following is a list of meanings of terms or abbreviations that are used throughout this Manual. Additional definitions can be found in section 1 of the Freedom of Information and Protection of Privacy Act.

the Act means the *Freedom of Information and Protection of Privacy Act*.

affected person means a person whose interests are so affected by the outcome of the request for review, that the Commissioner deems the person should have the same rights during the inquiry as the person who requested the review and the public body.

applicant means the person who made a request for access from a public body or whose information is affected by the public body's actions.

Commissioner means the Information and Privacy Commissioner.

complainant means a person who makes a formal request that the IPC investigate a public body on one of the grounds listed in section 51(2) or 68(3).

confidential information means information which should not be available to the public.

disclosure means the act of providing access to records or information.

FOIP Coordinator means the person delegated by the head of a public body to deal with matters related to the Freedom of Information and Protection of Privacy Act.

head of public body means the minister of a government office, department, or branch, the chief executive officer, or someone else designated to preside over the public body.

inquiry means a quasi-judicial process where the Commissioner decides issues of fact and law to resolve a review or complaint, which results in an Order being issued.

intervenor means a person, group or organization that does not have status under the Act, but has an interest in an issue being decided at an inquiry and is invited by the Commissioner to make a submission or present evidence.

investigation means the procedure for responding to complaints under section 51(2), for monitoring compliance with the Act under section 51(1)(a), and for whistleblower's disclosures under section 77.

Investigation Report means the document written to summarize the findings of an investigation.

IPC means the Office of the Information and Privacy Commissioner and its staff.

judicial review means an application made to the Court of Queen's Bench of Alberta for review of a Commissioner's Order.

mediation means the process of facilitating discussion between parties with the goal of negotiating a mutually accepted resolution of the dispute.

Order means a binding decision made by the Commissioner.

person means an individual, a corporation, or any other entity.

public body means a body defined by the Act.

record means recorded information in any form, including books, documents, maps, drawings, photographs, letters, vouchers, and papers.

review means the procedure described in Part 4 of the Act, followed by the IPC upon receiving a request for review.

third party means a person other than the applicant or public body, whose interests are affected by the public body's decision, as described in section 15 or 16 of the Act.

whistleblower means an employee of a public body who is notifying the Commissioner, in confidence, of some act or practice of the public body.